

**OFFICIAL PROCEEDINGS OF THE YELLOW
MEDICINE COUNTY BOARD OF COMMISSIONERS
GRANITE FALLS, MINNESOTA
June 24, 2003**

The Yellow Medicine County Board of Commissioners met in regular session at 9:00 am on Tuesday, June 24, 2003, in the board meeting room. Present were Commissioners Lynn Anderson, Ron Antony, Jane Remiger, Louie Sherlin and Chairperson Gary Johnson. Also present were County Attorney Thomas Kramer, County Auditor Carolyn Sherlin, and news reporters Bethany Norgaard, and Dan McGonigle. The chairperson called the meeting to order. On motion, the agenda for the day and the minutes of May 27, 2003 were accepted and approved by the board.

Commissioner Reports were given on the following topics: Extension, Prairie Five, Sail, DAC, Prairie Waters, Western Mental Health, Prairie Lakes Detention, Drug Task Force, and Historical Society,

Jolene Johnson reviewed the 2004 Challenge Grant Application and explained that RDC had started the transfer of the county ditch information to Arc View last year. This year's grant will allow us to complete the project and add an inventory of the existing buffer strips along the drainage ditches. This information will be used to target landowners and encourage them to place the ditch bank into CRP or other available programs. Remiger moved for approval to apply for the grant, Anderson seconded, motion carried.

Ditch Inspector John Kolhei reviewed a letter from the LYON County Board of Commissioners requesting a redetermination of benefits of Judicial Ditch 10. He explained that if we were to proceed with this request, the cost for viewers is estimated at \$150,000 and the purchase of 112 acres for buffer strips along the ditch at \$1500 an acre would be about \$300,000 for the purchase. Then adding the cost of attorney's fees would make this a very expensive project. He reviewed several old records and discovered that a redetermination was done in the 1960's by the courts when a certain section was added to the ditch. The general consensus of the board was to direct the ditch inspector to draft a letter to Lyon County indicating that the estimated cost of a redetermination would be in excess of \$450,000 and the benefits would be far less.

At 10:00 am bids were opened for SAP 87-599-40 which is a bridge replacement project. The following bids were received:

River Ridge Construction	\$262,859.00
M - K Construction	286,041.00
Duininck Brothers	263,436.00
Structural Specialties	270,790.50

After consideration, Sherlin moved to award the project to River Ridge Construction who submitted the low bid of \$262,859. Antony seconded motion, all voted in favor.

Remiger reported that both the cities of Canby and Clarkfield are interested have applied for the Regional Extension Center office location. Notification will be coming in mid-July.

A letter from the sheriff's office to increase fees charged by his office was read. After discussion, Anderson moved to table any action until the next meeting and request the sheriff to come to the board in person, Remiger seconded, motion carried.

County Assessor Connie Erickson presented an application for a homestead classification on parcel 32-412-0307. Sherlin moved for approval, Antony seconded motion, all voted in favor.

Committee, the contractor and architect on the construction deficiencies of the fairgrounds building. The contractor offered a deduction of \$5000 for the cement floor, which was sealed before it was ready and thus resulted in a pitted floor. Replacing the concrete would involve a lot of expense and time and may put the contractor out of business. The countertops and sinks were installed as specified in the contract, so no deduction will be made for them. The fair board will pay for any necessary repairs to those items because the changes suggested by Public Health were not in the original plan. There are several miscellaneous items that still need completion and the contractor will have 30 days to finish those items. After review, Sherlin moved to agree to the deduction of \$5000 from the contractor's original bid, providing all other repairs are completed in the 30-day time period. Antony seconded motion, all voted in favor. The architect will draft the change order reflecting the above, to be signed by the contractor.

The county attorney reported that bids for the Hagen property are to be opened at 10:00 am on July 11th in the auditor's office. Sherlin moved to appoint Anderson as the board representative at the bid opening. Remiger seconded motion, all voted in favor.

At 11:00 am discussion of the conditional use permit request from Mike Knutson continued. Knutson would like to construct and operate a hog facility in Section 36 of Florida Township. The proposal would consist of Two 51' X 208" total confinement barns to house 2400 finishing hogs, for a total of 960 animal units. Manure storage would be a 8-foot deep concrete pit below the barn. A petition for an EAW was submitted to Jeff Van De Wiele, county zoning officer, and a copy was forwarded to MPCA and to the Minnesota Environmental Quality Board. This issue was brought to the county board on May 27, 2003, and was tabled to June 10th pending the EQB decision on the petition. A request was received from Mike Knutson for a two-week delay to allow him time to review the DOT recommendation regarding the intersection of Highway 68 & 160th street. On June 6, the county zoning officer received a notice from the EQB indicating that the county board was the appropriate government unit to decide the need for an EAW. Van De Wiele stated "In my opinion the petition does not provide any evidence indicating that this project will have the potential for significant environmental impact and the EAW request is not justified." After discussion, Remiger moved to deny the request for an Environmental Assessment Worksheet, Anderson seconded. Voting yes: Antony, Anderson, Johnson, Remiger. Voting No: Sherlin. motion carried.

Karna Peters, attorney representing the opposition, discussed the standards of the EAW petition. If it has an effect on the community, it should be ordered, even though its standards are quite low. She also presented a brief discussion of the significant environment impact of the project which include air quality, odor, and the spread of manure. She also reported that several courts have found that EAW standards are low and have overturned petitions because the EAW was not completed.

Art Larson requested that board members strongly consider the many persons who oppose the project. Elan Hacker stated that each site is an individual site and should be considered on its own merits. Questions on the setback requirement were asked. This information was reviewed at the Planning & Zoning Meeting. The chairperson acknowledged the receipt of a petition signed by 330 citizens against the feedlot. The county board also acknowledged the receipt of an interim ordinance from Florida Township. There was concern that if one township would pass an ordinance involving feedlots, many more townships may follow. It was noted that the township ordinance must be consistent with the county ordinance, but can be more restrictive.

The county attorney reported that Burr is not a city because there

is no exercise of powers and no incorporation. Therefore Burr could not impose a two-mile limit regarding hog facility. He also clarified that the parcel of land does contain 40 acres and that a purchase agreement has been signed by the applicant contingent on the conditional use permit approval.

Mark Kallhoff, Canby Airport Manager, stated that the facility would not add to the countryside. He offered a free plane ride to any board member who wanted to view the area by air. Willis Beecher, representing StoneHill Recreation Park, said that the odor will affect campers and would be a detriment to the park.

Peters again stated that because more than 300 people signed a petition against the facility, the board should consider their wishes before granting the permit. Air quality and property values for those persons who live around the area should be taken into consideration. She again called for an EAW.

John Lair, who indicated that he had worked for the State of Arkansas Pork Producers Association, spoke in favor of the permit. He stated that because the permit meets the requirements of all regulations, the county has an obligation to support agriculture economy and urged the board to grant the permit.

After further discussion, Remiger moved to approve the conditional use permit for Mike Knutson with the following conditions:

1. During manure hauling, permit holder must post "Trucks Hauling" signs on Highway 68 by use of, but not limited to, flip up signs or a plan equal to or better than the aforementioned strategy.
2. Shall use newest technology available from Pollution Control to control odor if deemed a nuisance by the Jerome Meter.
3. Fast growing trees are to be planted on the north and west side of the farm site within One year of barn completion.
4. Permit applicant or designee must inform all residences within $\frac{3}{4}$ mile in advance when there is intent to agitate and remove manure from the site. In addition he must inform all residences within $\frac{1}{2}$ mile of any manure incorporation sites. Manure application/incorporation must be at a minimum 500 feet from any residence.
5. The parcel may not be sub-divided into a smaller acreage than 40 acres.

Anderson seconded motion. Voting yes: Anderson, Remiger, Johnson. Voting No: Antony, Sherlin. Motion was carried.

A request for a conditional use permit was received from Jason Jorgens to construct a 76' X 186' confinement barn to house 4000 head of nursery pigs in Section 11 of Omro Township. Manure storage will be in a concrete pit below the barn. The County Planning and Zoning Committee recommended a denial of this request because applicant's name on the land use and conditional use applications must be changed to reflect ownership of the land. Sherlin moved to deny the permit, Anderson seconded motion, all voted in favor.

Dennis Healy and Charlie Simonson, representing Lincoln-Pipestone Rural Water, presented their annual report of the organization and also the Independent Auditor's Report for 2001 & 2002. LPRW provides water to the counties of Lac qui Parle, Lincoln, Lyon, Murray, Nobles, Pipestone, Redwood, Rock and Yellow Medicine Counties. Water is produced from well fields near Burr, Verdi, and Holland. Work is still progressing on the Northeast Phase Expansion, which includes the cities of Hazel Run, Hanley Falls, Wood Lake, Cottonwood, Green Valley and Marshall.

The following claims were presented for approval:

REVENUE FUND

Advocate-Tribune	303.00
Affiliated Community Medical Ctr	1,400.08
Aramark Correctional Services	3,019.96
Bills Electric	268.00
Jonathan Bundt	2,000.00
Canby News, Inc	108.08
Clarey's Safety Equipment, Inc.	5,571.00
Cooks Inc	246.97
Cottonwood Coop Oil	161.14
CPS Technology Solutions Inc	338.50

Daniel Dahl	3,000.00
DARE American Merchandise	141.18
Davis Typewriter Co Inc	121.76
Karl Erickson D.D.S.	626.00
Farmers Coop Association	311.81
Fromm Snyder Drug	656.15
G & K Services Inc	172.56
Mavis Gustafson	162.00
Hillyard	180.68
The Ink Spot	259.33
Innovative Office Solutions	939.20
J Paul Inc	103.44
Jim's Clothing & Sporting Goods	225.00
K.E.E.P.R.S.	1,239.88
Keefe Supply co	309.23
Kilowatt Computer Service	441.82
Lyon County Environment	2,462.72
Minnesota West College	207.00
Peart & Associates, Inc	118.67
Sawmill Builders Supply Inc	371.67
Streichers	1,110.00
Tee's Plus Screen Printing	204.05
Tri-County News	129.38
West Central Communications, Inc	1,051.26
YMC Highway Department	3,456.31
Payments less than \$100	1,315.65
TOTAL	\$32,733.48

ROAD & BRIDGE FUND

Best Business Products	157.85
Bills Electric	651.41
Commissioner of Transportation	1,424.71
Construction Bulletin Magazine	152.88
Stu Frazeur Tiling	1,494.00
IT Solution Group Inc	150.44
Martin Marietta Aggregates	206.93
Swift County Highway	3,430.00
Toshiba America Info-Sys Inc	236.13
Vlaminck Electric	226.80
Ziegler Inc	708.17
Payments less than \$100	228.00
TOTAL	\$9,067.32

DITCH FUND

Cottonwood Coop Oil	246.54
K & K Tiling Inc	5,040.00
Lyon County Auditor-Treasurer	2,318.33
YMC Highway Department	305.12
TOTAL	\$7,909.99

FINAL TOTAL **\$49,710.79**

Meals for the Road & Bridge Fund of \$14.60 were also presented. Antony moved to approve payment of the above claims, Sherlin seconded motion, all voted in favor. As all business for the day was completed, the meeting was on motion, adjourned.

Chairperson, Yellow Medicine
County Board of Commissioners

ATTEST:

Carolyn Sherlin, County Auditor
and Clerk to the County Board